

Attorney/Client Privilege – comments from Jan

Dear Bruce,

Below are EPA's responses to the questions that the City posed to EPA via your March 22, 2013 email. I have added our responses into the list of questions that you provided. I hope that EPA's responses answer your questions. If you have any follow-up questions, we can address them during our March 16, 2013 video-conference.

Thank you,  
Michael

1. Acreage of various portions associated with OU-1

- a. Landfill Area – current and future (based on implementation of Alternative 2B)

*Response: The current acreage of the former Allied Paper property is 89 acres. The existing landfill footprint (including the Bryant HRDLs/ERDLs, Monarch HRDL, Type III Landfill and Western Disposal Area) is approximately 60 acres. Alternative 2B would leave a landfill of approximately 45 acres.*

- b. Panelyte

*Response: Only a small portion of the Panelyte property is currently included in OU1—the Panelyte Marsh. EPA has reviewed the Baseline Environmental Assessment for the Panelyte property dated March 2010 prepared by the Kalamazoo Brownfield Redevelopment Authority.*

*Based upon EPA's review of the Baseline Environmental Assessment, EPA believes that there are several options for addressing the Panelyte Property. We would like to discuss options for addressing the Panelyte property with you during our conference call on Tuesday, April 16 further.*

**Commented [MB1]:** Becky's comment. Keep it or not?

- a. Total acreage that will be available for development (based on implementation of Alternative 2B)

*Response: Implementation of Alternative 2B would allow for industrial/commercial reuse at the former Lyondell property north of Panelyte (3.5 acres) and parts of Monarch (approximately ½ of its 6.9 acres). Certain neighboring areas east of Portage Creek are also included in OU1 and will be sampled and addressed under Alternative 2B.*

- b. d. Green space associated with Portage Creek/potential trail way

*Response: At this time we do not know the exact number of acres of green space associated with Portage Creek under Alternative 2B; however, implementation of Alternative 2B will increase green space along the Portage Creek corridor. Currently, there are fences restricting access to OU1 between Portage Creek and the adjacent residential properties to the east. Alternative 2B will increase green space as the fence will be moved to the landfill perimeter west of Portage Creek, thus allowing access to Portage Creek.*

## 2. Panelyte Site

- a. Availability of "comfort letter" to facilitate potential City ownership of site
- b. Access to site – current and future

*Response: As noted above, we look forward to wish to discussing the Panelyte site further during our teleconference with you on April 16, 2013. Based on EPA's review of the Baseline Environmental Assessment, there are environmental concerns at the property. For example, contamination of the Panelyte property exceeds Michigan Part 201 commercial/industrial standards and access to the site needs to be restricted until further cleanup is achieved.*

## 3. Western Disposal Area (WDA) of OU-1

**Commented [JC2]:** Becky would like to discuss this section with you....

- a. Rationale behind assumptions that the Western Disposal Site does not pose significant future contamination risk

*Response: Large amounts of paper residuals are in the WDA. Based upon the sampling effort conducted as part of the Remedial Investigation and our understanding of the paper residuals at OU1, EPA expects to find contamination (significant concentrations of PCBs, inorganics and low levels of SVOCs and VOCs) in the WDA, similar to those what is found in the HRDL and FRDL areas. Consistent with all of the areas at the Allied site, the contamination is bound to the paper residuals and does not readily migrate to groundwater as further evidenced by groundwater monitoring results. Accordingly, EPA believes that the risks posed by materials in the WDA can be addressed in the same ways as the contamination in other parts of OU1.*

- b. Documentation supporting this rationale including:

*Response: Information supporting these assumptions can be found in the 2008 Remedial Investigation (RI). Section 4 of the RI discussed the nature and extent of contamination which includes the WDA. Figure 5 of the RI shows the soil sampling locations and Figure 8 shows the*

groundwater sampling locations. Tables 4-2A (CD) through 4-4D (CD) show the constituents detected in the soil and groundwater with denotation of those samples collected in the WDA.

i. Soil borings

*Response: PCBs and metals are both found in the WDA soil borings. PCBs range from non-detect to 2500 ppm. Metals range from non-detect to above the Michigan Part 201 cleanup Groundwater Surface Water Interface (GSI) screening levels are found in the WDA, but based upon EPA's TCLP testing at OU1, they are not characteristic hazardous waste. VOCs and SVOCs are infrequently detected in the WDA though some of these detections exceed the Michigan Part 201 GSI screening levels*

i. Groundwater monitoring

*Response: Groundwater monitoring data does not indicate that a plume of either PCBs, or Metals, SVOCs or VOCs is migrating from the WDA at levels that pose a significant risk. VOCs and SVOCs are largely non-detect in the WDA groundwater samples and are not found above Michigan Part 201 screening levels. The concentrations of various metals in the WDA groundwater vary widely with many metals not being detected in many of the samples. Only Zinc, in a limited number of samples and possibly being related to well construction, appears to exceed the Michigan Part 201 GSI screening levels. PCBs are largely non-detect in the WDA groundwater samples a limited number do exceed the Michigan Part 201 generic GSI Protection Criteria. The wells with these exceedances are located within the waste. Further, implementation of alternative 2B would further reduce the risk of contaminants migrating from the WDA via groundwater, as the material would be consolidated and have a better cap system.*

ii. Well logs/data

*Response: Boring logs for the WDA are included in attachment B of the RI*

iii. Historical information/data associated with disposal of materials at this location

*Response: There are historical anecdotes suggesting that drums were disposed of in the WDA. Despite this anecdotal information, the extensive soil and groundwater investigations conducted to date, did not show indications of drums or other wastes having*

*been disposed of in the WDA. The March 2010 Category N Baseline Environmental Assessment for Former Panelyte Property, and its appendices, documents the presence of drums in the Panelyte Marsh. As part of Alternative 2B EPA will be sampling and excavating the Panelyte Marsh. If drums or other wastes are encountered, EPA will dispose of those wastes properly. Additionally, if based upon future monitoring EPA identifies unmitigated risks associated with the WDA, EPA will address those risks.*

#### 4. Cork Street Landfill

- a. Availability/Possibility of reducing groundwater monitoring frequency
- b. Oversight by USEPA – long-term contacts, etc....

*Response: Moving forward, EPA will be more responsive to Kalamazoo on the Cork Street Landfill. Additionally ~~The Cork Street Landfill has been reassigned to~~ Michael Berkoff has been assigned the Cork Street Landfill. Having the same EPA project manager on both Allied Landfill and Cork Street Landfill will provide EPA with a more comprehensive and integrated picture of groundwater flow and conditions in Kalamazoo.*

#### 5. Operational Costs

- a. Current Operation & Maintenance (O&M) costs associated with OU-1 (inclusive of groundwater management/monitoring)

*Response: During 2012, the Trustee spent \$451,861.24 on the ongoing maintenance at OU1, which includes operation of the groundwater collection and treatment system. (See attached 2012 Financial Summary).*

- b. Projected O&M costs (inclusive of groundwater monitoring) at OU-1 (based on implementation of Alternative 2B)

*Response: Over a ~~30-30~~ year per period, EPA estimates the costs for O&M of Alternative 2B (including gas and groundwater monitoring but not including groundwater collection and treatment) to be \$3M.*

- c. Comparative O&M costs at other existing "waste in place" landfills such as King Highway, and 12<sup>th</sup> Street in Otsego

*Response: O&M costs for 12<sup>th</sup> Street Landfill and King Highway Landfill (both OUs of the Kalamazoo Site) are attached.*

- d. Locations of other similar "waste in place" PCB landfills outside of the State of Michigan (and associated O&M costs)

*Response: EPA is still gathering examples of PCB landfills with conditions similar to those at the Kalamazoo Landfills and will get back to the ~~city~~ City with examples.*

e. Oversight of long-term maintenance

*Response: CERCLA Section 104(c)(3) requires that the State enter into a contract or cooperative agreement with USEPA whereby the State must assure all future maintenance prior to implementing the remedial action. In addition, EPA will be monitoring the protectiveness of the remedy at OU1 through the Five Year Review process. Section 121 of CERCLA requires EPA to review a remedial action that results in hazardous substances remaining at the Site at least every five years. If during such a review, EPA determines that the remedy ceases to be protective, EPA is authorized to take or require actions to address the risk.*

f. Long-term ownership of site

*Response: The Lyondell Environmental Custodial Trust owns the former Allied Paper property, which is most of OU1. The Lyondell Environmental Custodial Trust will own the property until it is sold. Please note that the Custodial Trust has a separate tax escrow account for the Site.*

6. Bankruptcy Trustee Financial Information

- a. Current balance in OU-1 Site Trust
- b. Current and projected oversight costs associated with the Trust
- c. Access to ongoing Trust financial statements
- d. If these are not available directly, information on this information can be accessed

*Response: EPA has attached a financial summary showing the balance of the Trust accounts as of 12/31/12. The financial summary also identifies the total billings during 2012. Please note that these costs include operation and maintenance of a groundwater pump and treat system that would be removed without replacement in alternative 2B. The Trust is currently revising its 2013 costs for OU1. When EPA has these revised costs, EPA will share them with the City of Kalamazoo. EPA should be able to provide you with Trust statements moving forward.*

7. Status of tour of USEPA Research & Development (R&D) sites for Mayor Hopewell

*Response: Attached is a list of web pages for various EPA labs and research facilities. Chuck Maurice of Region 5 would be happy to arrange appointments*

*for Mayor Hopewell at any of these labs. Chuck can be contacted at [Maurice.charles@epa.gov](mailto:Maurice.charles@epa.gov) or (312) 886-6635*